THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.23119 of 1996

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Dated: December 22, 2005

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Between:

The College of Medical Technology,

Ongole, represented by its Director,

Ch. Girinath, S/o. Suryaprakasha Rao,

Hindu, aged about 34 years, R/o. Ongole,

Prakasham District (A.P.).

… Petitioner

And

Director of Medical Education,

Government of A.P.,

Sultan Bazar, Hyderabad, and another.

… Respondents

Order:

This writ petition has been filed seeking Mandamus directing Respondent No.1 to conduct inspection of the petitioner's college of Medical Technology and training Centres at Guntur, Visakhapatnam, and Hyderabad, consider the said inspection report and grant recognition, and for a consequential direction to the respondents to permit the petitioner to start a degree course in Physiotherapy at the abovementioned places for the academic year 1996-97.

2. Petitioner, a college claiming to be imparting training in medical and health, represented by its Director, states that it wanted to start Physiotherapy degree course and it has got all the infrastructure to start the said course. Petitioner is said to have submitted an application dated 10-06-1991 to Respondent No.1 seeking permission for starting the said course, at its Training Centres at Hyderabad, Visakhapatnam, and Guntur, but it is alleged that no action has been taken on the said application. It is stated that meanwhile, the Government issued G.O. Ms. No.293 H.M.&F.W. dated 30-07-1994 constituting
a 3-member-committee to frame guidelines for starting Physiotherapy degree course by private colleges. Petitioner claims to have spent lot of money in opening the said centers. It is the grievance of the petitioner that the Committee has not inspected the premises.

3. Respondents filed counter affidavit stating that the petitioner has submitted application dated 10-06-1991 for permission to start Physiotherapy Degree course at Ongole, and seeking a direction to the respondents to consider grant of permission, the petitioner already filed a writ petition in W.P.No.14537 of 1996. In the said writ petition, Respondent No.2, the Director of Medical Education, Hyderabad, filed counter affidavit, and this Court by order dated 31-10-1996 directed Respondent No.1 to complete the entire process and pass orders on the application of the petitioner within three months from the date of the order, and the same is being processed. Necessary instructions have been issued to the inspection team to inspect the above institution vide Memo Rc.No.13071/MEC/90 dated 30-03-1996. It is stated that though the petitioner requested to inspect the centers at Hyderabad, Visakhapatnam and Guntur, he did not furnish full address/particulars of the locations to enable the inspection team to cause inspection. It is further stated that it is highly impossible to cause inspection of the petitioner's institution in the absence of any address. Hence, it is prayed to dismiss the writ petition.

4. Petitioner, who is seeking inspection of his Training Centres for grant of permission to start degree course in Physiotherapy, is expected to furnish the full address/particulars of the location of the cent5res, to enable the inspection team to inspect the premises and evaluate whether permission can be granted or not. The petitioner, without furnishing the correct address and location of the centers where he intended to start, cannot challenge the action of the respondents in not inspecting the premises. It is unfortunate that even the learned counsel for the petitioner is not in a position to say in which part of Hyderabad, Visakhapatnam and Guntur, the petitioner is intending to start the said course, to give a direction to the inspection team to inspect the premises. In the absence of full address/particulars of the location, provided by the petitioner, no direction can be given to the respondents to conduct inspection of the Training Centres.

5. In the result, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

December 22, 2005

MRR